

### **III. REMARKS**

This amendment is responsive to the Office Action mailed June 8, 2006 in regard to the above-identified patent application. Claims 1 through 20 are now pending in this application.

Claims 1, 4, 8, 11, 12, 15-17 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Sipple et al. (US 6,405,327).

Claim 1 recites a method of detecting and forecasting resource bottlenecks of a computer system comprising steps of monitoring with successive measurements a utilization parameter of a system resource; computing a change parameter by comparing the differences between successive measurements of the utilization parameter; comparing the change parameter to a threshold change parameter; and reporting a resource bottleneck if the change parameter exceeds the threshold change parameter.

Sipple et al. (US 6,405,327) discloses a performance monitoring facility that periodically runs as a background process in a computer system. The performance monitor in Sipple et al. includes three main phases of operation: 1) the collection phase 2) the compare phase and 3) the notification phase (see column 5, lines 39-43). In the collection phase, performance data is periodically gathered. (see column 5, lines 44-47). In the compare phase, the collected performance results are compared against two or more performance thresholds (see column 6, lines 11-19). In the notification phase, the performance monitor summarizes an early warning or performance problem message to an operator console (see column 6, lines 31-37).

Nowhere in Sipple et al. is there a disclosure or suggestion of computing a change parameter by comparing the differences between successive measurements of a utilization parameter and comparing the change parameter to a threshold change parameter and reporting a resource bottleneck if the change parameter exceeds the threshold change parameter as claimed in claim 1. Instead, Sipple et al. periodically collects performance data and compares that (bare collected) data to two or more performance thresholds without any disclosure or suggestion of computing a change parameter by comparing the differences between successive measurements of those same performance data. Here, Sipple et al. directly compares the performance data to performance thresholds whereas claim 1 requires computing a change parameter by comparing the differences between successive measurements of the utilization parameter and comparing the change parameter (not the utilization parameter) to a threshold change parameter. Sipple et al. fails to disclose computing the change parameter and comparing the change parameter to a threshold change parameter as it instead compares the performance data directly to thresholds with no disclosure or suggestion of computation of a change parameter by comparing the differences between successive measurements of the data. Sipple et al. simply compares the individual and discrete values of performance data to performance thresholds whereas claim 1 requires comparing the differences between successive measurements of a utilization parameter to a threshold change parameter. The features of claim 1 are neither disclosed or suggested by Sipple et al. (US 6,405,327). Accordingly, claim 1 is patentable over Sipple et al. (US 6,405,327).

Claim 4 depends upon claim 1. The features of claim 1 are neither disclosed or suggested by Sipple et al. (US 6,405,327). Accordingly, claim 4 is patentable over Sipple et al. (US 6,405,327).

Claim 8 recites a computer program product comprising a computer useable medium having computer readable code means embodied thereon for causing a computer to execute a method for detecting and forecasting resource bottlenecks of a computer system. The computer readable code means in the computer program product includes computer readable program code means for causing a computer to monitor with successive measurements a utilization parameter of a system resource; computer readable program code means for causing a computer to compute a change parameter by comparing the differences between successive measurements of the utilization parameter; computer readable program code means for causing a computer to compare the change parameter to a threshold change parameter; and computer readable program code means for causing a computer to report a resource bottleneck if the change parameter exceeds the threshold change parameter.

No where in Sipple et al. is there a disclosure or suggestion of computing a change parameter by comparing the differences between successive measurements of a utilization parameter and comparing the change parameter to a threshold change parameter and reporting a resource bottleneck if the change parameter exceeds the threshold change parameter as claimed in claim 8. Instead, Sipple et al. periodically collects performance data and compares that data to two or more performance thresholds without any disclosure or suggestion of computing a change parameter by comparing the differences between successive measurements of those same performance data. Here, Sipple et al. directly

compares the performance data to performance thresholds whereas claim 8 requires computing a change parameter by comparing the differences between successive measurements of the utilization parameter and comparing the change parameter (not the utilization parameter) to a threshold change parameter. Sipple et al. fails to disclose computing the change parameter and comparing the change parameter to a threshold change parameter as it instead compares the performance data directly to thresholds with no disclosure or suggestion of computation of a change parameter by comparing the differences between successive measurements of the data. Sipple et al. simply compares the individual and discrete values of performance data to performance thresholds whereas claim 8 requires comparing the differences between successive measurements of a utilization parameter to a threshold change parameter. The features of claim 8 are neither disclosed or suggested by Sipple et al. (US 6,405,327). Accordingly, claim 8 is patentable over Sipple et al. (US 6,405,327).

Claims 11 and 12 depend upon claim 8. The features of claim 8 are neither disclosed or suggested by Sipple et al. (US 6,405,327). Accordingly, claims 11 and 12 are patentable over Sipple et al. (US 6,405,327).

Claim 15 recites a data processing system having a processor and a program code executed on the processor for detecting and forecasting resource bottlenecks. The program code includes code for monitoring with successive measurements a utilization parameter of a system resource; computing a change parameter by comparing the differences between successive measurements of the utilization parameter; comparing the change parameter to a threshold change parameter; and predicting a resource bottleneck if the change parameter exceeds the threshold change parameter.

No where in Sipple et al. is there a disclosure or suggestion of computing a change parameter by comparing the differences between successive measurements of a utilization parameter and comparing the change parameter to a threshold change parameter and reporting a resource bottleneck if the change parameter exceeds the threshold change parameter as claimed in claim 15. Instead, Sipple et al. periodically collects performance data and compares that data to two or more performance thresholds without any disclosure or suggestion of computing a change parameter by comparing the differences between successive measurements of those same performance data. Here, Sipple et al. directly compares the performance data to performance thresholds whereas claim 15 requires computing a change parameter by comparing the differences between successive measurements of the utilization parameter and comparing the change parameter (not the utilization parameter) to a threshold change parameter. Sipple et al. fails to disclose computing the change parameter and comparing the change parameter to a threshold change parameter as it instead compares the performance data directly to thresholds with no disclosure or suggestion of computation of a change parameter by comparing the differences between successive measurements of the data. Sipple et al. simply compares the individual and discrete values of performance data to performance thresholds whereas claim 15 requires comparing the differences between successive measurements of a utilization parameter to a threshold change parameter. The features of claim 15 are neither disclosed or suggested by Sipple et al. (US 6,405,327). Accordingly, claim 15 is patentable over Sipple et al. (US 6,405,327).

Claims 16, 17 and 20 depend upon claim 15. The features of claim 15 are neither disclosed or suggested by Sipple et al. (US

6,405,327). Accordingly, claims 16, 17 and 20 are patentable over Sipple et al. (US 6,405,327).

Claims 2, 3, 5-7, 9, 10, 13, 14, 18 and 19 were objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form. For the reasons set forth above, claims 1, 8 and 15 are patentable over Sipple et al. (US 6,405,327). Accordingly, claims 2, 3, 5-7, 9, 10, 13, 14, 18 and 19 are patentable over Sipple et al. (US 6,405,327).

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 50-0510.

Respectfully submitted,

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